

# SHER EDLING LLP

PROTECTING PEOPLE AND THE PLANET

May 18, 2023

**Via ECF**

Molly C. Dwyer  
Clerk of Court  
The James R. Browning Courthouse  
95 7<sup>th</sup> Street  
San Francisco, CA 94103

Re: *City of Oakland, et al., v. B.P. PLC, et al.*, No. 22-16810  
*City and County of San Francisco, et al., v. B.P. PLC, et al.*, No. 22-16812  
Plaintiff–Appellee’s Notice of Supplemental Authority

Dear Ms. Dwyer,

Plaintiffs-Appellees submit this letter to identify supplemental authority under Rule 28(j). Defendants-Appellants’ Opening Brief sought to “preserve” several of the removal arguments that this Court had previously rejected on the ground that other appellate decisions rejecting those same arguments could still be the subject of certiorari review by the U.S. Supreme Court, including the Third Circuit’s decision in *City of Hoboken v. Chevron Corp.*, 45 F.4th 699 (3d Cir. 2022) (“*Hoboken*”). See OB 1 & n.1.

On May 15, 2023, the U.S. Supreme Court denied the petition for certiorari in *Hoboken*. See *Chevron Corp. v. Hoboken*, No. 22-821, 2023 WL 3440749 (U.S. May 15, 2023). The denial leaves in place the Third Circuit’s decision affirming remands to state court of two more of the state-law cases against fossil fuel companies that are similar to the cases before this Court.

Respectfully submitted,

/s/ Victor M. Sher

Victor M. Sher

**Sher Edling LLP**

*Counsel for Plaintiffs–Appellees*

cc: All Counsel of Record (via ECF)